

PROB. 12B
(7/93)

ORIGINAL

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

MAY 07 2007

United States District Court

for the

at 10 o'clock and 55 min. A M
SUE BEITIA, CLERK

DISTRICT OF HAWAII

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: DARIA CHANG

Case Number: CR 04-00180HG-02

Name of Sentencing Judicial Officer: The Honorable Helen Gillmor
Chief U.S. District Judge

Date of Original Sentence: 7/12/2005

Original Offense: Count 36: BANK FRAUD, in violation of 18 U.S.C. § 1344,
a Class B felony

Original Sentence: The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of Time Served. Upon release from imprisonment, the defendant shall be on supervised release for a term of 5 years with the following special conditions: 1) That the defendant participate in a substance abuse program, which may include drug and alcohol testing, at the discretion and direction of the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment; 2) That the defendant serve 5 months of home detention with electronic monitoring as arranged by the Probation Office. During this time, the defendant shall remain at her place of residence during non-working hours and shall not leave her residence without the approval of the Probation Office. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures pursuant to the Participant's Agreement and shall earn leave as determined by the Probation Office. The defendant also will be responsible for the payment of the electronic monitoring costs as directed by the Probation Office; 3) That the defendant provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office; and 4) That the defendant shall be subject to a zero tolerance standard with regard to drug tests, arrests and violations of any conditions of supervision.

Restitution of \$35,065.55 to be paid jointly and severally with
codefendant Renan Grecia.

Type of Supervision: Supervised Release Date Supervision Commenced: 7/12/2005

PETITIONING THE COURT

[X] To modify the conditions of supervision as follows:

General Condition: *That the defendant shall refrain from any unlawful use of a controlled substance. Shall submit to one drug test within 15 days of the commencement of supervision and at least two periodic drug tests thereafter but no more than 8 valid drug tests per month during the term of supervision (mandatory condition).*

CAUSE

The offender is not in violation of her conditions of supervised release; however, based on the offender's history of substance abuse, we are recommending that her conditions be modified as reflected above. Prior to U.S. v. Stephens, 9th Circuit 2005, the offender was enrolled in random drug testing. However, due to the ruling in Stephens, the Probation Office is limited to 3 random tests outside of treatment. Drug testing is the most reliable method for monitoring the offender's drug use. The purpose for the modification is so that the Probation Office could continue to conduct random drug testing at the rate of up to 8 tests per month. This amount will allow the probation officer to fashion random drug testing designed to detect drug use while not allowing the offender to predict test dates.

As to the offender's adjustment, since her release she has submitted approximately 33 urine specimens, all of which tested negative for illicit drugs, and she has completed all drug treatment counseling sessions without incident. The offender has also continued to meet with her therapist on a regular basis. On 8/17/2005, the offender satisfied her court-ordered financial obligation, and on 1/9/2006, she completed 5 months of home detention with electronic monitoring without incident.

Since her release, the offender has maintained full-time employment with E-Noa Corporation as a trolley driver. She continues to live in a stable home environment with her mother and children. The offender has been on supervision now for approximately 22 months and has not incurred any violations.

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Attached is a signed Waiver of Hearing to Modify Conditions of Supervised Release. The offender waives her right to a hearing and to assistance of counsel. The offender agrees to the modification of the conditions of supervised release. The offender's attorney and the U.S. Attorney's Office have been notified of the proposed modification and have no objections to the modification.

Respectfully submitted by,



LISA K.T. JICHA
U.S. Probation Officer

Approved by:



GENE DeMELLO, JR.
Supervising U.S. Probation Officer

Date: 5/2/2007

THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above
☐ Other



HELEN GILLMOR
Chief U.S. District Judge

5.3.07

Date

PROB 49
(5/98)**United States District Court****District of Hawaii****Waiver of Hearing to Modify Conditions
of Probation/Supervised Release and/or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release and/or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release and/or to the proposed extension of my term of supervision:

☒ To modify the conditions of supervision as follows:

General Condition:

That the defendant shall refrain from any unlawful use of a controlled substance. Shall submit to one drug test within 15 days of the commencement of supervision and at least two periodic drug tests thereafter but no more than 8 valid drug tests per month during the term of supervision (mandatory condition).

Witness: _____

LISA K.T. JICHA
U.S. Probation Officer

Signed: _____

DARIA CHANG
Supervised Releasee

5/1/07

Date